

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON  
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO  
THE OAK MANOR NORTH PLANNED UNIT DEVELOPMENT DISTRICT BEING  
THAT OF ORDINANCE 05-04 AND THE UNIFIED DEVELOPMENT ORDINANCE**

**WHEREAS**, the City of Westfield, Indiana (the “City”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “Unified Development Ordinance” or the “UDO”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended; and

**WHEREAS**, the Westfield-Washington Township Plan Commission (“Commission”) considered a petition (**Petition No.** \_\_\_\_\_) filed with the Commission requesting an amendment to Ordinance 05-04, the Oak Manor North PUD, enacted by the Town Council on February 14, 2005, recorded as Instrument No. 200500013557 in the Office of the Recorder of Hamilton County, Indiana (the “Original PUD Ordinance”), specific to the real estate more particularly described in **Exhibit A** attached hereto and made a part hereof (the “Real Estate”); and (Amendment Parcel)

**WHEREAS**, the Commission forward **Petition No.** \_\_\_\_\_ to the Common Council of the City of Westfield, Hamilton County, Indiana (the “Common Council”) with a \_\_\_\_\_ recommendation (\_\_\_\_ in favor \_\_\_\_\_ against) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505; and

**WHEREAS**, the Secretary of Commission certified the action of the Commission to the Common Council on \_\_\_\_\_, 2019; and

**WHEREAS**, the Common Council is subject to the provisions of the Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and the Oak Manor North PUD are hereby amended as follows:

**Section 1.**     **Applicability of Ordinance.**

- 1.1     This Ordinance shall amend the Original PUD Ordinance, in its entirety as applicable to the Real Estate. In order to add an additional permitted use – Middle/Jr. High School – High School.
- 1.2     The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the “**Oak Manor North II PUD District**” (the “District”).
- 1.3     Development of the Real Estate shall be governed by (i) the provisions of the Ordinance 05-04 and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or Ordinance 05-04.
- 1.4     Chapter (“Chapter”) and Article (“Article”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance unless otherwise stated.
- 1.5     All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate shall be superseded by the terms of this Ordinance.

**Section 2.**     **Definitions.**     Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

**Section 3.**     **Underlying Zoning District.** The Underlying Zoning District (the “Underlying Zoning District”) shall be GB: General Business.

**Section 4.**     **Permitted Land Uses.** All uses permitted in Ordinance 05-04, The Oak Manor North PUD shall be permitted on the Real Estate, and additionally, Middle School/Jr. High School and High School shall be a permitted use.

**Section 5.**     **State Highway 32 Overlay District.** The regulations of Article 5.3 Overlay Districts; State Highway 32 Overlay District (the “SR 32 Overlay”) shall apply to the development of the Real Estate.

**Section 6.**     **Development Standards.** The standards of Section 2.3 of Ordinance 05-04, The Oak Manor PUD setting for the Development and Architectural Standards shall apply to the development of the Real Estate except as otherwise modified below herein.

**Section 7.**     **Sign Standards:** The Sign Standards set forth in Section 2.5 of Ordinance 05-04, the Oak Manor North PUD Shall apply, except as otherwise modified below:

- An Individual Monument Sign with manual or electronic changeable copy may be place on the Real Estate.
- Manual changeable copy signage shall be maintained in a presentable condition at all times, including replacement of defective or missing parts and/or letters, cleaning, and other acts required for maintenance of said signage.

**Section 8.**     **Infrastructure Standards.** The Real Estate’s infrastructure shall comply with the Unified Development Ordinance and the City’s Construction Standards unless otherwise approve by the Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of development on the Real Estate.

ALL OF WHICH IS ORDAINED/RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2019.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

\_\_\_\_\_  
Jim Ake

\_\_\_\_\_  
Jim Ake

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Jim Ake

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James J. Edwards

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James J. Edwards

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James J. Edwards

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Mark F. Keen

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Mark F. Keen

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Mark F. Keen

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Charles Lehman

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Charles Lehman

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Charles Lehman

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Cindy L. Spoljaric

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Cindy L. Spoljaric

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Cindy L. Spoljaric

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE \_\_\_\_\_ was delivered to the May of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_\_\_ m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

I hereby VETO ORDINANCE \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
J. Andrew Cook, Mayor

\_\_\_\_\_  
J. Andrew Cook, Mayor

This document prepared by: E. Davis Coots, Coots, Henke & Wheeler, P.C., 255 E. Carmel Drive, Carmel, IN 46032.

I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: E. Davis Coots, Coots, Henke & Wheeler, P.C., 255 E. Carmel Drive, Carmel, IN 46032.

**SCHEDULE OF EXHIBITS**

**Exhibit A**      **Real Estate (Legal Description)**